UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/32
1 December 1989

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 16 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Note by the Secretary-General

1. In accordance with the provisions of its article XV, paragraph 1, the International Convention on the Suppression and Punishment of the Crime of Apartheid entered into force on 18 July 1976, on the thirtieth day after the date of the deposit with the Secretary-General of the twentieth instrument of ratification.

2. As at 15 November 1989, the Convention had been ratified or acceded to by 88 States. A list of States parties to the Convention, as well as the dates of entry into force of the Convention for the States concerned, appears in the annex to the present note.

3. Under article VII of the Convention, the States parties undertake to submit to the group established under article IX periodic reports on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention.

4. In accordance with article IX of the Convention, the Chairman of the Commission on Human Rights is authorized to appoint a group consisting of three members of the Commission, who are also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII.

5. The Group of Three appointed by the Chairman of the Commission at its forty-fourth session held its twelfth (1989) session at the United Nations Office at Geneva from 23 to 27 January 1989. It had before it a note by the Secretary-General (E/CN.4/1989/31) concerning the status of the Convention and the submission of reports by States parties under article VII of the Convention, as well as reports submitted by 11 States parties since its eleventh (1988) session. A list indicating the status of submission of reports by States parties since the entry into force of the Convention and the sessions at which those reports were considered by the Group of Three appears in the annex below.

6. In its report to the Commission on Human Rights at its forty-fifth session (E/CN.4/1989/33), the Group of Three, inter alia, expressed its appreciation to the representatives of the reporting States for their presence at its meetings and for their participation in its work. Having commended those States parties which had submitted periodic reports, the Group of Three noted with concern that some States parties to the Convention had not submitted any reports and urged in particular those States parties which had not yet submitted their initial reports to do so as soon as possible, as required under article VII of the Convention. The Group decided to authorize its Chairman to address communications to the Governments of the 38 States parties which had not yet submitted their initial reports, requesting them to submit their overdue reports as soon as possible for consideration by the Group at its 1990 session. The Group of Three also noted with concern that, as at 31 December 1988, more than 190 reports were overdue under the International Convention on the Suppression and Punishment of the Crime of Apartheid, and strongly urged the States parties concerned to fulfil their reporting obligations. The Group called upon States parties to provide in their reports all relevant information on the legislative, judicial and administrative measures they had adopted to give effect to the provisions of article IV of the Convention, or on the difficulties which they may have encountered in the implementation of this article.

7. By its resolution 1989/8, the Commission on Human Rights, inter alia, took note with appreciation of the report of the Group of Three, recommended once again that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex), requested the States parties to the Convention to continue to submit their initial reports not later than two years after the entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they may submit additional information to the Group at any time in the intervening period if they wish to do so; the Commission also drew the attention of all States to the opinion expressed by the Group of Three in its reports that transnational corporations operating in South Africa and Namibia must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention, and called on all States whose transnational corporations continued to do business with South Africa and Namibia to take all appropriate steps to terminate their dealings with South Africa and Namibia. It also requested the Secretary-General to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, requested the Group to continue, in the light of the views expressed by States parties, the examination of the extent and the nature of the responsibility of

transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report to the Commission at its forty-sixth session; finally, the Commission decided that the Group of Three should meet for a period of not more than five days before the forty-sixth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

8. At its forty-fourth session, in December 1989, the General Assembly, inter alia, took note with appreciation of the report of the Group of Three and, in particular of the conclusions and recommendations contained in that report; commended those States parties to the Convention that had submitted their reports under article VII of the Convention and underlined the importance of the universal ratification of the Convention, which would be an effective contribution to fulfilling the ideals of the Universal Declaration of Human Rights and other human rights instruments. It appealed once again to the States that had not yet done so to ratify or to accede to the Convention without further delay, in particular those States which had jurisdiction over transnational corporations operating in South Africa and Namibia, and without whose co-operation such operations could not be halted; called upon all States whose transnational corporations continued to do business with South Africa to take appropriate steps to terminate their dealings with South Africa, and drew the attention of all States to the opinion expressed by the Group of Three in its report that transnational corporations operating in South Africa and Namibia must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention. The Assembly also requested the Commission on Human Rights to intensify, in co-operation with the Special Committee against Apartheid, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings had been undertaken. Furthermore, the Assembly requested the Secretary-General to circulate the above-mentioned list among all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication; to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission with relevant information concerning the forms of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa; and to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation, with a view to promoting further ratification of or accession to the Convention.

9. By his notes dated 16 June 1989, the Secretary-General brought to the attention of the States parties the relevant provisions of the Convention and of Commission resolution 1989/8 and General Assembly resolution 43/97 as well as the conclusions and recommendations of the Group of Three contained in the report on its 1989 session, and requested them to submit their reports within the time-limits indicated in Commission resolution 1989/8 of 23 February 1989 for transmission to the Group of Three at its 1990 session. By another note, dated 12 June 1989, the attention of specialized agencies and non-governmental organizations was drawn to the provisions of Commission resolution 1989/8 by which they were invited to provide the Commission with relevant information

concerning the types of the crime of apartheid, as described in article II of the Convention committed by transnational corporations operating in South Africa.

10. Since the forty-fifth session of the Commission, the following States parties to the Convention have submitted their reports: Czechoslovakia (E/CN.4/1989/31/Add.10); */ Philippines (E/CN.4/1990/32/Add.1); India (E/CN.4/1990/32/Add.2); Pakistan (E/CN.4/1990/32/Add.3); China (E/CN.4/1990/32/Add.4); Burundi (E/CN.4/1990/32/Add.5). These reports will be available to the Group of Three for examination at its thirteenth (1990) session, which is scheduled to be held in Geneva from 22 to 26 January 1990, and to the Commission on Human Rights at its forty-sixth session.

11. Any other reports which may be received by the Secretary-General in time for consideration by the Group of Three will be issued in further addenda to the present document.

---

*/ Submitted before the forty-fifth session of the Commission. Consideration was postponed to the thirteenth (1990) session of the Group of Three at the request of the Governm[illegible]

READEX FICHE

Annex

STATES PARTIES TO THE CONVENTION AND STATUS OF SUBMISSION OF REPORTS IN ACCORDANCE WITH COMMISSION ON HUMAN RIGHTS RESOLUTION 1989/8 a/

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Afghanistan	5 August 1983	-	-	-
Algeria	25 June 1982	6 August 1984 28 October 1987	1985 session 1988 session	E/CN.4/1985/26/Add.3 E/CN.4/1988/30/Add.5
Antigua and Barbuda	6 November 1982	-	-	-
Argentina	7 December 1985	23 December 1987	1988 session	E/CN.4/1988/30/Add.6
Bahamas	30 April 1981	-	-	-
Bangladesh	7 March 1985	4 January 1988	1988 session	E/CN.4/1988/30/Add.7
Barbados	9 March 1979	17 July 1981	1982 session	E/CN.4/1505/Add.1
Benin	18 July 1976	-	-	-
Bolivia	5 November 1983	-	-	-
Bulgaria	18 July 1976	4 January 1978 5 February 1980 15 December 1982 28 December 1985 26 January 1988	1978 session 1981 session 1983 session 1985 session 1989 session	E/CN.4/1277/Add.7 E/CN.4/1353/Add.10 E/CN.4/1983/24/Add.8 E/CN.4/1985/26/Add.6 E/CN.4/1989/31/Add.1
Burkina Faso	23 November 1978	-	-	-
Burundi	11 August 1978	12 November 1980 2 September 1989	1981 session -	E/CN.4/1415/Add.8 E/CN.4/1990/32/Add.5 b/

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Byelorussian Soviet Socialist Republic	18 July 1976	8 February 1978	1979 session	E/CN.4/1277/Add.14
		6 October 1980	1981 session	E/CN.4/1415/Add.4
		25 January 1983	1984 session	E/CN.4/1983/24/Add.13
		14 May 1984	1985 session	E/CN.4/1985/26/Add.1
		21 May 1987	1988 session	E/CN.4/1988/30/Add.4
Cameroon	1 December 1976	6 October 1977	1978 session	E/CN.4/1277/Add.3
		24 January 1986	1987 session	E/CN.4/1987/26/Add.1
Cape Verde	12 July 1979	25 June 1982	1983 session	E/CN.4/1983/24/Add.3
		4 August 1983	1984 session	E/CN.4/1984/36/Add.4
Central African Republic	7 June 1981	-	-	-
Chad	18 July 1976	11 September 1986	1987 session	E/CN.4/1987/26/Add.13
China	18 May 1983	6 May 1986	1987 session	E/CN.4/1987/26/Add.5
		3 July 1989	-	E/CN.4/1990/32/Add.4 b/
Colombia	22 June 1988	-	-	-
Congo	4 November 1983	-	-	-
Costa Rica	14 November 1986	-	-	-
Cuba	3 March 1977	3 January 1978	1978 session	E/CN.4/1277/Add.8
		28 January 1980	1981 session	E/CN.4/1353/Add.7
		15 March 1982	1983 session	E/CN.4/1983/24/Add.1
		2 February 1984	1985 session	E/CN.4/1984/36/Add.9
		7 February 1986	1987 session	E/CN.4/1987/26/Add.2
		26 February 1988	1989 session	E/CN.4/1989/31/Add.4

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Czechoslovakia	18 July 1976	20 December 1977	1978 session	E/CN.4/1277/Add.6
		20 August 1982	1983 session	E/CN.4/1983/24/Add.5
		25 November 1985	1986 session	E/CN.4/1986/29/Add.8
		11 January 1989	-	E/CN.4/1989/31/Add.10 b/
Democratic Kampuchea	27 August 1981	-	-	-
Ecuador	18 July 1976	30 April 1982	1983 session	E/CN.4/1983/24/Add.2
		2 September 1985	1986 session	E/CN.4/1986/29/Add.3
Egypt	13 July 1977	12 November 1980	1981 session	E/CN.4/1415/Add.7/Rev.1
		20 December 1983	1984 session	E/CN.4/1984/36/Add.8
El Salvador	30 December 1979	8 March 1983	1984 session	E/CN.4/1984/36/Add.2
Ethiopia	19 October 1978	2 July 1986	1987 session	E/CN.4/1987/26/Add.9
Gabon	30 March 1980	23 September 1985	1986 session	E/CN.4/1986/29/Add.4
Gambia	28 January 1979	-	-	-
German Democratic Republic	18 July 1976	29 November 1977	1978 session	E/CN.4/1277/Add.4
		7 January 1980	1980 session	E/CN.4/1353/Add.4
		7 December 1981	1982 session	E/CN.4/1505/Add.8
		25 September 1985	1986 session	E/CN.4/1986/29/Add.5
		3 November 1988	1989 session	E/CN.4/1989/31/Add.8
Ghana	31 August 1978	17 October 1986	1987 session	E/CN.4/1987/26/Add.12
Guinea	18 July 1976	-	-	-
Guyana	30 October 1977	-	-	-
Haiti	18 January 1978	-	-	-

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Hungary	18 July 1976	14 February 1978 15 January 1980 6 October 1981 16 November 1983 26 January 1987	1979 session 1980 session 1982 session 1984 session 1988 session	E/CN.4/1277/Add.16 E/CN.4/1353/Add.6 E/CN.4/1505/Add.6 E/CN.4/1984/36/Add.7 E/CN.4/1988/30/Add.2
India	22 October 1977	14 January 1980 7 October 1982 30 May 1989	1980 session 1983 session -	E/CN.4/1353/Add.5 E/CN.4/1983/24/Add.6 E/CN.4/1990/32/Add.2 b/
Iran (Islamic Republic of)	18 May 1985	-	-	-
Iraq	18 July 1976	28 December 1979 18 September 1981 30 December 1982 11 November 1985	1980 session 1982 session 1983 session 1986 session	E/CN.4/1353/Add.3 E/CN.4/1505/Add.5 E/CN.4/1983/24/Add.10 E/CN.4/1986/29/Add.6
Jamaica	20 March 1977	10 July 1986	1987 session	E/CN.4/1987/26/Add.10
Kuwait	25 March 1977	16 August 1977	1978 session	E/CN.4/1277/Add.1
Lao People's Democratic Republic	4 November 1981	-	-	-
Lesotho	4 December 1983	-	-	-
Liberia	5 December 1976	-	-	-
Libyan Arab Jamahiriya	7 August 1976	-	-	-
Madagascar	25 June 1977	31 January 1978 20 September 1984	1979 session 1985 session	E/CN.4/1277/Add.13 E/CN.4/1985/26/Add.4

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Maldives	24 May 1984	25 September 1986	1987 session	E/CN.4/1987/26/Add.11
Mali	18 September 1977	5 September 1980	1981 session	E/CN.4/1415/Add.3
Mauritania	12 January 1989	-	-	-
Mexico	3 April 1980	24 August 1981 5 November 1986	1982 session 1987 session	E/CN.4/1505/Add.3 E/CN.4/1987/26/Add.14
Mongolia	18 July 1976	27 October 1981 5 August 1983 28 January 1987	1982 session 1984 session 1988 session	E/CN.4/1505/Add.7 E/CN.4/1984/36/Add.5 E/CN.4/1988/30/Add.3
Mozambique	18 May 1983	-	-	-
Namibia	11 December 1982	-	-	-
Nepal	11 August 1977	-	-	-
Nicaragua	27 April 1980	-	-	-
Niger	28 July 1978	-	-	-
Nigeria	30 April 1977	1 February 1978 22 January 1981	1978 session 1981 session	E/CN.4/1277/Add.12 E/CN.4/1415/Add.9
Pakistan	29 March 1986	20 June 1989	-	E/CN.4/1990/32/Add.3 b/
Panama	15 April 1977	31 August 1977	1978 session	E/CN.4/1277/Add.2
Peru	1 December 1978	31 December 1982 15 July 1985 12 December 1988	1983 session 1986 session 1989 session	E/CN.4/1983/24/Add.12 E/CN.4/1986/29/Add.1 E/CN.4/1989/31/Add.11
Philippines	25 February 1978	9 February 1983 17 January 1989	1984 session -	E/CN.4/1984/36/Add.1 E/CN.4/1990/32/Add.1 b/

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Poland	18 July 1976	10 February 1978	1979 session	E/CN.4/1277/Add.15
		10 March 1980	1981 session	E/CN.4/1353/Add.11
		17 December 1982	1983 session	E/CN.4/1983/24/Add.9
		9 December 1986	1987 session	E/CN.4/1987/26/Add.15
Qatar	18 July 1976	25 June 1980	1981 session	E/CN.4/1415/Add.1
		15 September 1981	1982 session	E/CN.4/1505/Add.4
		22 July 1983	1984 session	E/CN.4/1984/36/Add.3
		2 June 1986	1987 session	E/CN.4/1987/26/Add.7
		10 June 1988	1989 session	E/CN.4/1989/31/Add.6
Romania	14 September 1978	3 November 1980	1981 session	E/CN.4/1415/Add.6
		25 May 1988	1989 session	E/CN.4/1989/31/Add.5
Rwanda	22 February 1981	14 October 1983	1984 session	E/CN.4/1984/36/Add.6
		27 May 1986	1987 session	E/CN.4/1987/26/Add.5
		10 October 1988	1989 session	E/CN.4/1989/31/Add.7
Saint Vincent and the Grenadines	9 December 1981	30 June 1982	1983 session	E/CN.4/1983/24/Add.4
Sao Tome and Principe	4 November 1979	-	-	-
Senegal	20 March 1977	11 January 1978	1978 session	E/CN.4/1277/Add.10
Seychelles	15 March 1978	6 March 1986	1987 session	E/CN.4/1987/26/Add.4
Somalia	18 July 1976	-	-	-
Sri Lanka	20 March 1982	19 January 1988	1988 session	E/CN.4/1988/30/Add.8
Sudan	20 April 1977	-	-	-
Suriname	3 July 1980	21 August 1985	1986 session	E/CN.4/1986/29/Add.2

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Syrian Arab Republic	18 July 1976	9 January 1978	1978 session	E/CN.4/1277/Add.9
		18 December 1979	1980 session	E/CN.4/1353/Add.2
		18 January 1982	1982 session	E/CN.4/1505/Add.10
		8 November 1985	1986 session	E/CN.4/1986/29/Add.7
Togo	23 June 1984	-	-	-
Trinidad and Tobago	25 November 1979	29 January 1988	1989 session	E/CN.4/1989/31/Add.3
Tunisia	20 February 1977	30 January 1980	1981 session	E/CN.4/1353/Add.9
		14 February 1983	1984 session	E/CN.4/1983/24/Add.14
Uganda	10 July 1986	-	-	-
Ukrainian Soviet Socialist Republic	18 July 1976	17 March 1978	1979 session	E/CN.4/1277/Add.17
		28 October 1980	1981 session	E/CN.4/1415/Add.5
		10 January 1983	1983 session	E/CN.4/1983/24/Add.11
		20 December 1984	1985 session	E/CN.4/1985/26/Add.5
		5 January 1987	1988 session	E/CN.4/1988/30/Add.1
Union of Soviet Socialist Republics	18 July 1976	20 January 1978	1978 session	E/CN.4/1277/Add.11
		25 August 1980	1981 session	E/CN.4/1415/Add.2
		17 December 1981	1982 session	E/CN.4/1505/Add.9
		13 February 1984	1985 session	E/CN.4/1984/36/Add.10
		5 March 1986	1987 session	E/CN.4/1987/26/Add.3
		6 December 1988	1989 session	E/CN.4/1989/31/Add.9
United Arab Emirates	18 July 1976	9 December 1977	1978 session	E/CN.4/1277/Add.5
		23 July 1979	1980 session	E/CN.4/1353/Add.1
		5 August 1981	1982 session	E/CN.4/1505/Add.2
United Republic of Tanzania	18 July 1976	-	-	-

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Venezuela	27 February 1983	30 June 1986	1987 session	E/CN.4/1987/26/Add.8
Viet Nam	9 July 1981	-	-	-
Yemen	17 September 1987	-	-	-
Yugoslavia	18 July 1976	28 January 1980	1981 session	E/CN.4/1353/Add.8
		14 December 1982	1983 session	E/CN.4/1983/24/Add.7
		24 July 1984	1985 session	E/CN.4/1985/26/Add.2
		27 January 1988	1989 session	E/CN.4/1989/31/Add.2
Zaire	10 August 1978	-	-	-
Zambia	15 March 1983	-	-	-

---

a/ The Commission on Human Rights called upon the States parties to submit their first report under article VII of the Convention not later than two years after becoming parties to the Convention and their periodic reports at four-yearly intervals, with the understanding that they might submit additional information to the group at any time they wished in the intervening period.

b/ Scheduled for consideration by the Group of Three at its twelfth (1990) session.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/32/Add.1
10 November 1989

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 6 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Addendum

PHILIPPINES */

[17 January 1989]

1. Since 1946, the Philippines has supported initiatives condemning South Africa's apartheid policies as a crime against humanity and sanctions against South Africa, including its suspension from the United Nations General Assembly in 1974.

2. The Philippines is a State Party to other international conventions on the prevention of discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women and the International Convention against Apartheid in Sports.

---

*/ The initial report submitted by the Government of the Philippines (E/CN.4/1984/36/Add.1) was considered by the Group of Three at its 1984 session.

3. As a founding member of the United Nations Special Committee against Apartheid, the Philippines has always supported the work of that Committee.

4. The Philippines has no diplomatic relations with South Africa.

5. The Philippines has no economic, trade, cultural or military relations or co-operation with South Africa.

6. The Philippines imposes a ban on trade and travel to South Africa, including a ban on services or the export of Phlippine manpower to that country.

7. The Philippine Government restricts local companies from providing Philippine seamen to serve aboard South African-registered vessels.

8. The Philippine Government imposes restrictions on local manning companies from providing Philippine seamen to serve on board F.O.C. vessels whose owners are South Africans.

9. There is no corporation registered in the Philippines with business transactions in South Africa.

10. The Philippine Government does not issue visas to South African nationals unless they execute a sworn affidavit renouncing apartheid.

11. The Philippine Government, in demonstration of its unflagging support of the anti-apartheid cause and of the frontline States and national liberation movements recognized by the Organization of African Unity and the General Assembly, has made token contributions to the African Fund of the Non-aligned Movement.

12. The Philippine Government also regularly contributes to the United Nations Trust Fund for South Africa, to the United Nations educational training programme for South Africa, to the United Nations Trust Fund for Publicity against Apartheid and to the United Nations Trust Fund for Namibia.

13. The Philippines has consistently supported all resolutions against apartheid at the United Nations General Assembly and other international forums, including resolutions recommending comprehensive and mandatory sanctions against South Africa under Chapter VII of the United Nations Charter.

14. The Philippine Government unequivocally supports the nationhood programme for Namibia and Security Council resolution 435 (1978), as well as the work of the United Nations Council for Namibia.

15. The 1987 Philippine Constitution has implemented the Philippine commitment under the International Convention on the Suppression and Punishment of the Crime of Apartheid by establishing an independent judiciary and providing for a bill of rights assuring everyone of effective protection and remedies against any acts of racial discrimination. Article XIII, section 18 (6), of the Philippine Constitution also empowers the Philippine Commission on Human Rights to recommend to the Philippine Congress effective measures to provide compensation to victims of violations of human rights.

16. The Philippines, as a State party to the International Convention against Apartheid in Sports, does not participate in sporting and other international competitions which include delegations from South Africa.

17. The Philippine Department of Education, Culture and Sports and the Department of Labour and Employment respectively monitor Philippine compliance with the UNESCO Convention against Discrimination in Education and the ILO Convention concerning Discrimination (Employment and Occupation).

18. The Philippines continue to enforce presidential decree No. 1350 of 17 April 1978 declaring violations of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to be unlawful and providing penalties therefor.

19. A non-governmental organization, the National Committee against Apartheid, was established on 16 August 1987 to undertake measures to enlighten Filipinos on the evils of apartheid; the Committee is currently expanding by establishing provincial chapters.

20. At the initiative of Mr. Joseph Garba, Chairman of the United Nations Special Committee against Apartheid, and Mr. Ahmed Yusuf, Ambassador of Nigeria to the Philippines, the National Committee against Apartheid, Inc., was organized on 26 August 1987.

21. The Committee meets every second Tuesday of the month at the office of the United Nations Information Centre in Manila.

22. It held one symposium in 1987, on 14 December, to mark Human Rights Day. The guest of honour was Ambassador Krishnan Raghunath of India. More than 200 people attended.

23. On 21 March 1988, on the International Day for the Elimination of Racial Discrimination, a symposium was held in Malolos, Bulacan, with the co-operation of the Philippine Committee for Peace and Solidarity. Ambassador Ahmed Yusuf of Nigeria was guest lecturer. The Committee distributed 500 copies of the Filipino version of the Apartheid brochure printed by the National Committee against Apartheid. These brochures will be distributed at every symposium.

24. On 25 May 1988, during the Week of Solidarity with the Peoples of Namibia and All Other Colonial Territories, a symposium was held at the University of the Philippines in Cebu. Ambassador Krishnan Raghunath of India delivered the lecture.

25. Other lectures were held in 1988 as follows:

On 16 June, International Day of Solidarity with the Struggling Peoples of South Africa, Davao City;

On 9 August, International Day of Solidarity with the Struggles of Women of South Africa, Baguio City;

On 11 October, Day of Solidarity with South African Political Prisoners, Bacolod City;

On 27 October, beginning of the Week of Solidarity with the Namibian People, Cavite City;

On 10 December, Human Rights Day, Manila.

26. In addition, the Committee boycotts products from South Africa and will publish a quarterly newsletter on its activities when funds permit.

27. Chapters in the 77 provinces and 62 cities of the Philippines will likewise be organized. In Bulacan province, the governor, Roberto Pagdanganan, has agreed to chair the chapter there.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/32/Add.2
10 November 1989

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-sixth session
Item 16 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Addendum

INDIA */

[30 May 1989]

*/ The initial and second reports submitted by the Government of India (E/CN.4/1353/Add.5 and E/CN.4/1983/24/Add.6) were considered by the Group of Three at its 1980 and 1983 sessions respectively.

1. India's first and second periodic reports on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid detailed the various provisions of the Constitution and of legislative enactments in India giving effect to the provisions of this international instrument. The Anti-Apartheid (United Nations Convention) Act of 1981, detailed in India's second report, completed the legislative measures required to give the Convention force of law in India. In the period since the submission of India's second periodic report there have been no new constitutional developments. To recapitulate briefly: the Constitution of India under article 15 prohibits any discrimination based on religion, race, caste, sex or place of birth; equality before the law and equal protection of the law for all are ensured under article 14. Equality without discrimination is accordingly enshrined in the fundamental law of the country, i.e. in the Constitution itself. The Indian Constitution and the Penal Code unambiguously prohibit and make illegal and punishable any ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form. Moreover, the 1981 Anti-Apartheid Act specifically treats any such prohibited acts of discrimination as crimes.

2. India is committed to the cause of elimination of racial discrimination in all its forms, including the elimination of apartheid. History has made India the home of people of diverse origin, many of whom came from beyond the country's borders. Hinduism, Buddhism, Jainism and later Sikhism were faiths cradled by India. Christianity, in the coastal regions of Western India, goes back to apostolic times. Islam came to India within the first century of its emergence. India is thus composed of a wonderful mosaic of different religions, cultures and diverse ethnic and racial groups. It has a tolerant, eclectic society where people of many different faiths and persuasions have joined together in building the world's largest democracy, a democracy in which universally acknowledged human rights and fundamental freedoms are guaranteed to all without any discrimination.

3. Since its independence, India has regarded the achievement of freedom in South Africa as one of the principal aims and preoccupations of its foreign policy. India's interest in the question of emancipation and freedom in South Africa has deep roots in its own struggle against colonialism and for freedom and dignity. Solidarity with the victims of apartheid, support for the popular struggles against the racist régime and condemnation of the principles and systems which sustain apartheid are popular sentiments among the Indian people and in the mass media, as well as being central concerns of government policy. The long history of India's commitment to the eradication of apartheid and the barbarous régime and systems which support it is well known, as is its abhorrence of all forms of racism and racial discrimination. India was the first country to impose sanctions against South Africa and its boycott of that country is unequivocal and complete, having severed all political, cultural, commercial and diplomatic relations with it.

4. The present report details India's implementation of the Convention during the period 1983-1987. In that period, India continued to strengthen its relations with countries of the African region and paid particular attention to the escalating political and military situation in southern Africa arising out of the oppression, brutality and aggressive action of the racist régime of South Africa. On several occasions, India's consistent

policy of firm oppostion to apartheid, condemnation of the racist régime and support of liberation movements found forceful reiteration in the United Nations and other international forums. As chairman of the non-aligned movement in the period 1983-1984, India expressed unequivocal support for the oppressed and exploited people of South Africa and Namibia, and called upon the international community to take effective action to force the racist régime to grant independence to Namibia without any further delay, in full consonance with the various United Nations resolutions on the subject. India further reiterated the need to take effective steps against the racist régime for its continuing defiance of world opinion on apartheid and racial discrimination, and its constant attempts to destabilize the frontline States and subject them to repeated armed aggression. India rejected in no uncertain terms the Pretoria régime's fraudulent attempt to consolidate apartheid by the introduction of so-called constitutional reforms in South Africa, intended to give an appearance of constitutionality to the already institutionalized system of apartheid.

5. As chairman of the non-aligned movement (NAM) and also in its individal capacity, India endorsed the decision taken by the frontline States at their meeting in Arusha (United Republic of Tanzania) in April 1985. The Arusha meeting inter alia called upon South Africa to dismantle the root cause of the instability in the region, i.e. apartheid, and to honour Security Council resolution 435 on Namibia. The so-called constitutional reforms within South Africa, introduced by the racist régime, were rejected outright by India. The Government of India, in an official statement, termed these as faudulent.

6. During the NAM Ministerial Co-ordinating Bureau meeting in New Delhi in April 1985, the Prime Minister, Mr. Rajiv Gandhi, announced India's decision to accord full diplomatic status to the SWAPO representative in India. During that meeting, as well as at the NAM ministerial meeting at Luanda and at the United Nations, India forcefully reiterated its stand that the "Interim Administration" set up by the Pretoria régime in Namibia, with the connivance of the discredited and unrepresentative Multi-party Conference, was illegal, that United Nations Security Council resolution 435 was the only basis for a settlement of the issue, that SWAPO was the only legitimate representative of the Namibian people, and that extraneous issues, like the withdrawal of Cuban troops from Angola, should not be linked to the question of the independence of Namibia.

7. Elimination of apartheid and the establishment of a non-racial representative government in South Africa was a subject which dominated the Commonwealth Heads of Government meeting at Nassau in October 1985. India was able to assist in achieving a consensus among the Commonwealth members for a programme of common action against Pretoria. India nominated Mr. Swaran Singh, a former External Affairs Minister, as its representative on the seven-member Group of Eminent Persons set up during the meeting to promote political dialogue and to monitor the progress of the South African régime's responses.

8. The political declaration adopted by the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of Non-aligned Countries at New Delhi in April 1986 expressed strong condemnation of Pretoria for its barbarous acts of oppression repression and discrimination and its imprisonment and detention of

all those opposed to the apartheid régime, which had increased to alarming proportions with the tragic and brutal massacres of the defenceless population, including school children. The Ministers reiterated that a just, durable and universally acceptable solution of the situation in South Africa could come about only with the total eradication of the apartheid system and the establishment of a non-racial and democratic society. India and the non-aligned countries are pledged to intensify their efforts in support of the freedom fighters of South Africa who are campaigning not only for their independence but also to uphold principles dear to humanity as a whole. They are also pledged to continue to work hand in hand with the United Nations in its effort to combat apartheid and racial segregation.

9. The so-called reforms and constitutional changes, including elections to a tricameral legislature, are a farce aimed at dividing the non-white population of South Africa. India considers these reforms as an attempt to perpetuate the system of apartheid, whereby the ruling minority would continue to deprive the vast majority of the population of any meaningful say in the political process of their own country. It is a move aimed at splitting the liberation movements and sowing discord between the Coloured and Indian communities on the one side and the black majority on the other. India urged all the people of South Africa, and especially all those of Indian origin, to take no part in the so-called election and to maintain unity in the struggle against apartheid and racial segregation. The elections held in August 1984 were not successful in motivating the majority of the electorate to exercise their franchise, despite a massive and sustained campaign launched infavour of participation by the Government. As a measure of India's sympathy and support for all those struggling to introduce an equitable and democratic régime in South Africa, the Government of India decided in May 1986 to ban entry into India of any member of the Coloured and Asian legislatures which form part of these so-called constitutional reforms, as they are not represenative of the Coloured or Asian communities in South Africa and their participation in the exercise by the apartheid régime only serves to divide and weaken the struggle against apartheid.

10. At the Harare summit in 1986, the non-aligned countries established an Action for Resisting Invasion, Colonialism and Apartheid (AFRICA) Fund. A nine-member Fund Committee with India as chairman and Zambia as vice-chairman was set up. A sub-committee consisting of the same members, under the chairmanship of Zambia, also came into being to consider the issue of utilization of pledges and implementation of projects. The AFRICA Fund summit was held in New Delhi in January 1987. The summit adopted a plan of action and issued a universal appeal seeking support for the Fund. As a sequel to the summit's appeal, the Prime Minister, Mr. Rajiv Gandhi, wrote to leaders the world over, nonaligned and others alike, seeking support and assistance for the Fund.

11. The response to the appeal has been very encouraging. To date, 52 donors representing almost one third of the international community from the North and the South, the East and the West have pledged contributions equivalent to US$ 413 million in cash, kind and project assistance to the Fund. This includes an assistance in kind of Rs 500 million from India over a period of three years. Since the summit, the Committee has met three times at the level of senior officials at New Delhi (August 1987), Brazzaville (January 1988) and

Lima (August 1988) to review progress and plan for the future. Several laudatory references have been made at regional and international conferences appreciating the progress achieved by the Fund so far.

12. The nine-member Fund Committee consists of India (chairman), Zambia (vice-chairman), Algeria, Argentina, Congo, Nigeria, Peru, Yugoslavia and Zimbabwe. The objectives of the Fund are to strengthen the economic and financial capability of the frontline States, and to assist them to enforce sanctions against South Africa and to cope with retaliatory action by the racist régime. The measures envisaged in the resolution to achieve these objectives include: establishment of a strategic relief reserve to relieve shortages of essential commodities; strengthening of the transport and communication system; ensuring of infrastructural installations and networks; neutralizing of negative trade effects; development of trained manpower resources and mobilization of international public opinion and financial resources in order to fulfil the objectives of the Fund.

13. The closing address of the Prime Minister of India at the summit meeting of the AFRICA Fund Committee in January 1987 outlined the perspective and philosophy within which India situates itself in the struggle against apartheid. The Prime Minister said:

> "We belong to one human family. That part of our family which lives in southern Africa is suffering the consequences of invasion, colonialism and apartheid. We wish to go to the aid of our kith and kin.
>
> "The ending of apartheid is not merely the restoration of human rights and human dignity to the people of South Africa but is, in fact, the restoration of human rights and human dignity to all of humanity. To temporize with apartheid is to compromise with human decency. There is a significant correlation between the reluctance to take decisive action and vested economic interests. Many speak about human rights. Few have suffered as much as the fontline States for standing up for human rights. They have done so with courage and out of principle. They are paying a heavy price for resisitng apartheid and aggression.
>
> "The racist clique is increasing its oppression. Not from stength but from fear. Fear that apartheid is about to crumble. Fear that its overthrow is imminent and inevitable. Fear that the whites of South Africa will have a society based on human rights and the dignity of the individual.
>
> "Now is the moment to strike and strike hard. The superstructure of apartheid is built on the foundations of military relationships and economic sustenance from abroad. Sanctions will undermine the foundations of apartheid. Sanctions are the only non-violent means left to counter the violence of apartheid.
>
> "The campaign we are launching today is a campaign to sensitize world public opinion to the need for immediate action. A régime without shame will not respond to blandishments and cajoling. It will have to be brought to its knees. Without the moral and material support which Pretoria receives from a handful of countries, apartheid would collapse, ending also the illegal occupation of Namibia and persistent

destabilization of the frontline States. The people of southern Africa are more than willing to bear the burden of sanctions. Many of us have not only imposed santions ourselves but have also pledged our support to those on the firing line;"

14. The Government of India realizes the value of preventive action in the endeavour to combat prejudices which lead to racial discrimination. It is for this reason that a deliberate effort is directed towards shaping the right mental attitudes through teaching, education, culture and the information media. The school curriculum in India devotes considerable attention to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination. These are covered under subjects such as social studies, civics, geography and general knowledge. In addition, the (free) press in India, which enjoys the unimpeded benefit of freedom of opinion and expression, also contributes positively to the promotion of understanding, tolerance and friendship among nations and different racial groups.

15. The role of radio and television in India in combating racial prejudice and protecting human rights is unparalleled because it reaches every part of the country, overcoming the barriers of distance and illiteracy. The policy of the Government of India and its stand in various international forums have been adequately and prominently covered in all news bulletins, both central and regional. The message is put across in various formats such as talks, dialogues, interviews, discussions, songs, slogans, features, etc., so that it will have the desired impact on listeners. An illustrative list of some of the special programmes broadcast/telecast by All India Radio and certain important Indian television centres is appended to this report. */

---

*/ The list is available for consultation in the files of the Secretariat.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/32/Add.3
10 November 1989

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 16 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Addendum

PAKISTAN

[20 June 1989]

1. Pakistan's Constitution and penal laws explicitly condemn and prohibit racism. The principles of policy of the Constitution expressly discourage racism.

Principle No. 33 states:

> "The State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens."

Principle No. 38 confirms this, declaring:

> "The State shall secure the well-being of the people, irrespective of sex, caste, creed or race ... [and] provide the basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens."

2. The fundamental rights enshrined in the Constitution of Pakistan guarantee the right of everyone to equality before the law without distinction as to race, colour, national or ethnic origin.

Fundamental Right No. 25 states:

> "All citizens are equal before the law and are entitled to equal protection of the law."

Fundamental Right No. 28 guarantees as follows:

> "Any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and, subject to the law, to establish institutions for that purpose."

3. These principles of policy and fundamental rights enshrined in the Constitution of the Islamic Republic of Pakistan are amply reflected in the country's penal laws. Section 153-A of the Pakistan Penal Code, which was added in 1973, prohibits any action which promotes or incites disharmony between different religious, racial, language or regional groups or castes or communities, and makes such activity punishable with imprisonment for a term which may extend to five years and with a fine.

4. In view of the principles of policy and the fundamental rights enshrined in the Constitution and the provisions of section 153-A of the Pakistan Penal Code, Pakistan is not required to take any additional legislative, judicial or administrative measures in this regard.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/32/Add.4
15 November 1989

ENGLISH
Original: CHINESE/ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 16 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Addendum

CHINA */

[3 July 1989]

---

*/ The initial report submitted by the Government of China (E/CN.4/1987/26/Add.5) was considered by the Group of Three at its 1987 session.

1. The People's Republic of China acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1983 and submitted the first report on the implementation of the Convention in May 1986. It now submits its second report on the implementation of the Convention in accordance with the provisions of article 7 of the Convention.

2. This report mainly deals with the implementation of the Convention by China since the submission of its first report.

3. This report is divided into two parts: part I on the implementation of the Convention; and part II on the Chinese Government's consistent opposition to South Africa's policy of apartheid.

I. Implementation of the Convention

4. The Chinese Government has continued to take legislative, administrative and other measures seriously to perform the duties stipulated in articles 2, 3, 4, 5 and 6 of the Convention.

5. In China, the personal rights of all citizens are protected by law. In addition to the protection of the citizen's personal rights under criminal law (see arts. 20, 21, 22 of the first report). The Regulations of the People's Republic of China on Administrative Penalties for Public Security, promulgated on 5 September 1986, contain further provisions regarding the protection of the citizen's personal rights. Article 22 of the Regulations stipulates:

> "Whoever commits one of the following acts which violate a citizen's personal rights, but are not serious enough for criminal punishment, shall be detained for a maximum of 15 days, fined a maximum of 200 yuan or given a warning:
>
> (a) Striking another person, causing slight injury;
>
> (b) Illegally limiting others' personal freedom or illegally breaking into others' houses;
>
> (c) Openly insulting other persons or fabricating stories to slander other persons;
>
> (d) Maltreating family members, when the victims thereof ask for disposition;
>
> (e) Threatening others' safety or disturbing others' normal lives by writing letters of intimidation or by other methods;
>
> (f) Coercing or inveigling a person under the age of 18 to commit frightening or cruel acts, thereby harming the person's physical and mental health;
>
> (g) Hiding, destroying, discarding or illegally opening another person's postal articles or telegrams."

6. Article 5 of the Regulations of the People's Republic of China on the Administration of Place Names, promulgated in 1986, provides:

"Any place names which infringe upon China's territorial sovereignty and national dignity, undermine its national unity, are insulting to the working people or are extremely vulgar must be changed."

7. In May 1987, the State Council of China approved the change of the name "Kawa Mountain" in the area inhabited by the Wa nationality to "Awa Mountain". The Word "Kawa" was a form of address showing past contempt for the Wa nationality, meaning that the Wa nationality was the slave, thus the mountain in the area inhabited by that nationality was also called Kawa Mountain. Despite the fact that the Chinese Government had changed "Kawa" to the "Wa nationality" after liberation, the inappropriate name "Kawa Mountain" was still in use. Now the State Council has changed the name by formal decree so as to show respect for minority nationalities in China and eliminate all vestiges of discrimination against them left over from the old system.

8. In order further to safeguard the political rights of minority nationalities in China, the Electoral Law of the National People's Congress (NPC) and Local People's Congresses of the People's Republic of China, which was revised for the second time according to the decision taken in December 1986 by the eighteenth Meeting of the Standing Committee of the Sixth National People's Congress, laid down new requirements concerning elections among minority nationalities. Article 15 of the Electoral Law stipulates:

"The number of deputies to the National People's Congress to be elected by minority nationalities shall be allocated by the Standing Committee of the National People's Congress, in the light of the size and distribution of each minority nationality, to the People's Congresses of the various provinces, autonomous regions and municipalities directly under the Central Government, which shall elect them accordingly. Nationalities with exceptionally small populations shall each have at least one deputy."

9. All 55 minority nationalities were represented by their own deputies at the first session of the Seventh National People's Congress held in March 1988. Deputies of the minority nationalities account for 15 per cent of the total number of deputies, far exceeding the proportion of the population of minority nationalities in the total population of the whole nation, which is 8 per cent. Article 16 of the Electoral Law provides:

"In areas where minority nationalities live in concentrated communities, each minority nationality shall have its deputy or deputies in the Local People's Congress. Where the total population of a minority nationality in such an area is less than 15 per cent of the total local population, the number of persons represented by each deputy of that minority nationality may be appropriately smaller, but shall not be less than half the number of persons represented by each of the other deputies to the Local People's Congress. In autonomous counties where the population of the minority nationality practising regional autonomy is exceptionally small, the number of persons represented by each deputy of this minority nationality may, upon a decision made by the Standing Committee of the People's Congress of the province or autonomous region, be less than half the number of persons represented by each of the other deputies. Other nationalities with exceptionally small populations shall each have at least one deputy.

Where the total population of a minority nationality in such an area accounts for not less than 15 per cent and not more than 30 per cent of the total local population, the number of persons represented by each deputy of that minority nationality may be appropriately smaller than the number of persons represented by each of the other deputies to the Local People's Congress, but the number of deputies of that minority nationality shall not exceed 30 per cent of the total number of deputies."

10. Article 18 of the Electoral Law states that: "With regard to minority nationalities living in scattered groups, the number of persons represented by each of their deputies to the Local People's Congresses may be less than the number of persons represented by each of the other deputies to such Congresses".

11. China has a system of regional autonomy; in areas where minority nationalities live in concentrated communities, autonomous areas and organs of self-government are established so that the minority nationalities that practise regional autonomy can be their own masters and exercise the right to administer their internal affairs in their own national autonomous areas. The years 1986 and 1987 witnessed the establishment of another 15 autonomous areas. So far, there are 149 autonomous areas in China. Forty-five minority nationalities and about 77 per cent of the total population of minority nationalities have set up autonomous areas.

12. Minority nationalities which do not qualify for the establishment of autonomous areas, but which inhabit areas about the size of a township, can set up nationality townships. Nationality townships are different from ordinary townships. Besides exercising the functions and powers of local State organs of the same level as prescribed by the Constitution, they are entitled to more autonomy than ordinary townships. The head of a nationality township shall be a person of that minority who uses the spoken and written language of the locality. Nationality townships may carry out their economic, cultural, educational and public health activities according to law and in the light of local conditions and national characteristics and enjoy such preferential treatment as is granted at higher Government levels. In terms of finance, for example, reserve funds are allocated to nationality townships and tax revenue over and above the State quota may be kept for their own use. In addition, they are given due consideration in the allocation of assistance funds for under-developed areas and funds for special use. China has established over 1,500 nationality townships and the overwhelming majority of the 55 minority nationalities in China have set up nationality townships, which have a total population of more than 6 million.

13. The citizen's right to freedom of religious beliefs is safeguarded and respected by the State. In the past few years, the State has continued to allocate large amounts of funds to assist religious organizations in renovating temples, setting up religious schools or institutes and publishing religious scriptures.

14. Religious schools and institutes have been set up in the Tibet Autonomous Religion, Jiangsu Province, Sichuan Province, Gansu Province and Qinghai Province. In 1986, Lamaism restored the "summon" activities which had been suspended for a period of time. Article 77 of China's General Principles of Civil Law provides that "the lawful property of social organizations, including religious organizations, shall be protected by law".

15. The General Principles of Civil Law of the People's Republic of China, promulgated in 1986, provide further protection for the civil rights of the citizens of various nationalities in China.

16. Article 3 of General Principles of Civil Law stipulates that "parties to a civil action shall have equal status". Article 5 provides that "the lawful civil rights and interests of citizens and legal persons shall be protected by law; no organization or individual may infringe upon them". Article 9 stipulates that "a citizen shall have capacity for civil rights from birth to death and shall enjoy civil rights and assume civil obligations in accordance with the law".

17. Article 75 of General Principles of Civil Law stipulates:

> "A citizen's personal property shall include his lawfully earned income, housing, savings, articles for daily use, objets d'art, books, reference materials, trees, livestock, as well as the means of production the law permits a citizen to possess and other lawful property.
>
> A citizen's lawful property shall be protected by law and no organizations or individual may appropriate, encroach upon, destroy or illegally seal up, distrain, freeze or confiscate it."

18. Article 76 of General Principles of Civil Law provides that "citizens shall have the right of inheritance under the law."

19. Article 103 of General Principles of Civil Law stipulates that "citizens shall enjoy the right of marriage by choice. Mercenary marriages, marriages upon arbitrary decision by any third party and any other acts of interference in the freedom of marriage shall be prohibited".

20. To help minority nationalities speed up their economic and cultural development, the State has adopted a number of preferential policy measures (see arts. 24, 25, 26 and 28 of the first report). Besides the continued implementation of these policy measures, some new measures have been adopted in recent years.

21. Starting in 1986, the Chinese Government has each year allocated 1 billion yuan renminbi in loans with deducted interest to help develop the production of 271 economically backward counties, 119 of which are autonomous counties and counties in autonomous regions (accounting for 44 per cent of the total number).

22. Beginning in 1983, the Chinese Government has issued low-interest loans each year for special items to revolutionary base areas, areas inhabited by minority nationalities and border areas. By 1987, a total of 3.6 billion yuan had thus been provided, of which 1,896 million yuan or over 50 per cent of the total went to the five autonomous regions, Yunnan Province, Guizhou Province and Qinghai Province.

23. China's minority nationalities inhabit a vast area. National autonomous areas cover 63 per cent of the total size of China and are endowed with rich natural resources. The Chinese Government is trying to accelerate the

development of minority nationality regions through the exploitation of natural resources. Article 33 of the Mineral Resources Law of the People's Republic of China, promulgated in 1986, stipulates:

> "In exploiting mineral resources in national autonomous areas, the State shall give due consideration to the interests of those areas and make arrangements favourable to the areas' economic construction and to the production and livelihood of the people of local minority nationalities.
>
> The organs of self-government of national autonomous areas shall, in accordance with legal provisions and the unified State plan, have priority for rationally developing and utilizing the mineral resources that may be developed by the local authorities."

24. The State has made active efforts to expand educational opportunities for minority nationalities in order steadily to enhance the quality of life and promote the advancement of all nationalities.

25. Article 4 of the Compulsory Education Law of the People's Republic of China, promulgated in 1986, provides that "the State, the community, schools and families shall, in accordance with the law, safeguard the right to compulsory education of school-age children and adolescents".

26. Article 5 of the Compulsory Education Law stipulates:

> "All children who have reached the age of six shall enrol in school and receive compulsory education for the prescribed number of years, regardless of sex, nationality or race. In areas where that is not possible, the beginning of schooling may be postponed to the age of seven."

27. Article 6 of the Compulsory Education Law provides that "schools shall promote the use of putonghua (common speech based on Beijing pronunciation), which is in common use throughout the nation" and that "schools in which the majority of students are of minority nationalities may use the spoken and written languages of those nationalities".

28. Article 12 of the Compulsory Education Law stipulates that "the State shall assist areas inhabited by minority nationalities to implement compulsory education by providing them with teachers of funds".

29. In June 1986, the State Education Commission and the Ministry of Finance decided that, with regard to the implementation of the Compulsory Education Law in minority nationality regions and in remote and impoverished areas where pupils had been exempted from tuition fees and miscellaneous charges, the relevant original regulations should remain in force and that the system of grants-in-aid should be continued in junior middle schools and some primary schools (mainly in the minority nationality regions where it is difficult to implement compulsory education, other impoverished areas and the areas where boarding schools are a necessity).

30. In July 1988, the State Education Commission and the State Commission for Nationality Affairs held a joint seminar on the education of persons of Tibetan nationality in Gansu Province, Qinghai Province, the Tibet Autonomous Region, Sichuan Province and Yunnan Province. The seminar was exclusively devoted to the study of the issue of the educational development of persons of the Tibetan nationality.

31. In recent years, the State has adopted new measures on the transmission and development of minority nationality cultures. The Chinese Ministry of Culture has stipulated that close attention must be paid to the transmission and protection of the minority nationality art heritage and that vigorous efforts must be made to support and develop minority nationality art. In addition, special attention must be paid to the enrolment of minority nationality students in all institutes and schools directly under the leadership of the Ministry of Culture. All senior art schools throughout the country should continue to set up classes in various art specialities for minority nationalities and classes for their advanced studies with a view to encouraging the artistic talents of minority nationalities.

32. On many occasions in 1986 and 1987, the Chinese Ministry of Culture and the State Commission for Nationality Affairs arranged performances in Beijing by minority nationality art ensembles in an effort to promote the cultural development of minority nationalities and cultural exchanges among all nationalities. The Government departments concerned also send the Tibetan Nationality Song and Dance Ensemble and other art ensembles of minority nationalities abroad so as to introduce the culture of China's minority nationalities to the people of the world.

33. Publications in the languages of minority nationalities have been increasing year after year. The figures for books published in such languages are: 1,567 in 1985, 1,688 in 1986 and 1,793 in 1987.

34. In 1986, representatives of all 55 minority nationalities participated in the Third National Traditional Sports Meeting of Minority Nationalities held in the Xinjiang Uygur Autonomous Region.

35. The State continues to take many measures to develop medical and health facilities in areas inhabited by minority nationalities and to improve the health of persons belonging to minority nationalities. For instance, in 1987, when parts of the Xinjiang Uygur Autonomous Region were plagued by non-A-non-B hepatitis, the Chinese Government dispatched medical experts and allotted six million yuan to help cure the disease.

36. In August 1986, the Ministry of Health of the People's Republic of China announced that a certain percentage of funds allocated by the State for construction in revolutionary base areas, minority nationality areas, border areas and impoverished areas would be devoted to the prevention and cure of endemic diseases.

37. In May 1987, the Kunming Plant Research Institute of the Academy of Sciences established a research office for nationality medicine which is the fourth research institute in the world devoted to the study of minority nationality medicine.

38. In November 1987, the Ministry of Health, the State Commission for Nationality Affairs and some other departments jointly issued the Announcement on the Strengthening of the Children's Extended Programme of Immunization (EPI). Article 4 of the Announcement states that the enhancement of EPI in remote areas inhabited by minority nationalities is the key link in guaranteeing the popularization of children's immunization and that local commissions for nationality affairs throughout China should, in connection with their work, give wide publicity in various ways to the importance of immunization in the light of the characteristics, folkways and customs of minority nationalities so as to promote the EPI campaign.

39. Health institutions and hospital beds in the national autonomous areas of China increased by 4.6 per cent and 6.4 per cent, respectively, in 1987, as compared with 1985.

40. The Chinese Government, in its legislation, requires that organs of power and administrative organs at all levels should safeguard the equal rights of Chinese citizens who belong to minority nationalities. Article 8 of the Organic Law of the Local People's Congresses and Local People's Governments of the People's Republic of China, as amended for the second time in accordance with the decision taken in December 1986 by the Standing Committee of the National People's Congress, stipualtes that one of the functions and powers of Local People's Congresses at and above the county level is to "safeguard the rights of minority nationalities". Article 9 of the Organic Law provides that, in "exercising their functions and powers, the People's Congresses of townships, nationality townships and towns in which minority nationalities live in concentrated communities shall adopt specific measures appropriate to the characteristics of the nationalities concerned".

41. Article 51 of the Organic Law stipulates that the eighth function and power of a Local People's Government at or above the county level is "to safeguard the rights of minority nationalities and respect their folkways and customs, assist those areas where minority nationalities live in concentrated communities within its sphere of jurisdiction to exercise regional autonomy in accordance with the Constitution and the law and assist the various minority nationalities in their political, economic and cultural development".

42. Chinese Governments at all levels often publicize the relevant laws and policies of the State in an effort to promote unity among all nationalities. Every year, the State Commission for Nationality Affairs organizes coverage of minority nationality regions by correspondents and gives publicity to the situation concerning minority nationalities and their regions with a view to promoting mutual understanding, exchanges and co-operation among all nationalities.

43. At a national conference held in Beijing in April 1988 to commend the unity and progress of nationalities, the Chinese Government commended 1,166 advanced units and individuals that had contributed to the cause of the unity and progress of nationalities. Among the individuals commended were representatives of the 55 nationalities in China.

44. Article 4 of the Constitution of the People's Republic of China provides that "discrimination against and oppression of any nationality are prohibited;

any act which undermines the unity of the nationalities or instigates division is prohibited". So far, there has never been any problem of apartheid in our country and China's courts have never tried any case related to apartheid.

45. In June 1987, the twenty-first meeting of the Standing Committee of the Sixth National People's Congress of China decided that the People's Republic of China would exercise its criminal jurisdiction within the framework of the treaty obligations it had undertaken over the crimes referred to in the international treaties that the People's Republic of China had concluded or acceded to. In accordance with this decision, China exercises its criminal jurisdiction over the crimes referred to in the International Convention on the Suppression and Punishment of the Crime of Apartheid.

II. The Chinese Government's consistent opposition to South Africa's Policy of apartheid

46. The Chinese Government has always been firmly opposed to the policy of apartheid in all its manifestations and has always persisted in its stand. China has neither diplomatic relations nor political, economic, cultural or any other links with the racist régime of South Africa.

47. On 7 January 1987, the Central Committee of the Communist Party of China sent a message to the National Executive Committee of the African National Congress of South Africa (ANC). In the message, it conveyed its warmest congratulations to ANC on the seventy-fifth anniversary of the founding of ANC, highly evaluated the important role of ANC in the struggle against South Africa's apartheid system and stated that the Chinese people would as always, firmly support the just struggle of the South African people until it won the final victory.

48. On 25 February 1987, a Foreign Ministry spokesman of the People's Republic of China said that the Chinese Government and people had expressed great indignation at, and strong condemnation of, the atrocities perpetrated by the South African authorities at home and abroad. He reiterated that the Chinese Government and people firmly supported the just struggle of the people of South Africa and of the rest of southern Africa, resolutely opposed the racist policy of the South African authorities and solemnly demanded that the South African authorities immediately lift "the nationwide state of emergency" and completely abolish the apartheid system.

49. On 20 March 1987, Premier Zhao Ziyang of the Chinese Government sent a telegram to Mr. G. Garba, Chairman of the United Nations Special Committee against Apartheid, on the occasion of the International Day for the Elimination of Racial Discrimination. In the telegram, Premier Zhao, on behalf of the Chinese Government and people, expressed solidarity with and support for the Special Committee against Apartheid and strongly condemned the racist policies practised by the South African authorities.

50. In a statement issued on 26 April 1987, a Chinese Foreign Ministry spokesman condemned the South African authorities for sending reconnaissance forces to invade Livingstone in southern Zambia in the early hours of 26 April, killing and wounding several Zambian civilians and destroying two buildings. He pointed out that this was yet another crime committed by the

South African authorities who had wantonly violated international law and encroached on the sovereignty and territorial integrity of neighbouring countries.

51. On 30 May 1987, a spokesman of the Ministry of Foreign Affairs of China issued a statement strongly condemning South Africa for its armed attack on Mozambique on 29 May. The spokesman pointed out that this was another crime committed by the South African authorities in wilful violation of international law. It represented a flagrant encroachment on the sovereignty and territorial integrity of a neighbouring country and it was also an open provocation against African countries and peoples. He reiterated that the Chinese Government and people would, as always, firmly support the southern African countries and people in their just struggle to combat the apartheid system and safeguard national sovereignty and territorial integrity.

52. On 27 July 1987, Premier Zhao Ziyang sent a congratulatory message to the twenty-third Summit of the Organization of African Unity (OAU) in which he said that the stubborn adherence to the apartheid system and perverse acts by the South African authorities had led to increased opposition by the African people and the international community as a whole and had plunged those authorities themselves into unprecedented isolation. He said that the Chinese Government and people would consistently stand on the side of African countries and peoples and steadfastly support the just struggle of the peoples of South Africa, Namibia and the rest of southern Africa until they won the ultimate victory.

53. On 26 August 1987, Premier Zhao Ziyang sent a message to President Peter Zuze of the United Nations Council for Namibia on the occasion of United Nations Day for Namibia. Premier Zhao expressed solidarity with and support for the Council for Namibia and stated that the Chinese Government and people would, as always, join the peoples of the world in firmly supporting the Namibian people in its just struggle for national independence.

54. On 24 February 1988, a Chinese Foreign Ministry spokesman pointed out at a news briefing that, recently, the South African authorities had dispatched large numbers of troops to invade southern Angola in violation of basic international norms and had seriously infringed on the sovereignty and security of Angola. The Chinese Government and people strongly condemned this savage crime and demanded that the South African authorities should immediately stop such aggression, implement United Nations Security Council resolution 602 and withdraw all their troops from Angola.

55. In a statement issued on 25 February 1988, a Chinese Foreign Ministry spokesman pointed out that on 24 February, the South African authorities had announced new regulations on "the state of emergency" which banned all political activities by the country's 17 anti-apartheid organizations and Congress of South African Trade Unions. This was another evil act committed by the South African authorities to quell the struggle of the South African people. The Chinese Government and people expressed strong condemnation of and great indignation at the evil act and firmly supported the South African people in its just struggle to combat racism and strive for racial equality.

56. On the occasion of United Nations International Day for the Elimination of Racial Discrimination, Acting Premier Li Peng of the Chinese Government sent a telegram to Mr. G. Garba, Chairman of the United Nations Special Committee against Apartheid, on 21 March 1988 strongly condemning the South African authorities' system of racial discrimination and apartheid. In the telegram, the Acting Premier pointed out that the resolute and thorough eradication of the sinister system of racial discrimination and apartheid was the common and pressing task facing the South African people and peoples the world over. He reiterated that the Chinese Government and people would steadfastly support the just struggle of the South African people for basic human rights and racial equality and the just struggle of the Namibian people for national liberation and independence, as well as the struggle of the peoples of other African countries to combat South Africa's racism and safeguard national independence and sovereignty.

57. On 30 March 1988, a spokesman for the Chinese Foreign Ministry said at a news briefing:

> "On 28 March, the South African armed forces outrageously attacked the outskirts of Gaborone, capital of Botswana. This is another sinister act committed by the South African authorities in their stubborn pursuance of the policy of disrupting the stability of their neighbouring States. The Chinese Government expresses strong condemnation of, and great indignation at, this sinister act and will firmly support Botswana and other southern African countries and peoples in their just struggle to combat South Africa's racism and safeguard the sovereignty and security of their countries".

58. On 24 May 1988, Premier Li Peng of the Chinese Government sent a message to the twenty-fourth summit of OAU extending warm congratulations on its opening in the capital of Ethiopia. In the message, the Premier said:

> "The Chinese Government and people have always followed developments in the situation in southern Africa. The obstinate pursuance of the policy of racial discrimination and apartheid, the energetic obstruction of Namibia's independence and the wanton invasion of neighbouring States by the South African authorities are responsible for the prolonged tension and unrest in southern Africa. The Chinese Government and people sternly condemn the South African authorities for their perverse acts of all descriptions and firmly support the just struggle of the peoples of South Africa, Namibia and other southern African countries and various efforts by the Frontline States in the light of their national conditions for peace and stability in their respective countries and in the region as a whole."

59. On 16 June 1988, a Chinese Foreign Ministry spokesman reiterated the consistent position that the Chinese Government firmly supported the just struggle of the South African people and strongly condemned the South African authorities for their suppression and persecution of the black people in the country. He called for the immediate release of the Sharpeville Six by the South African authorities and pointed out that South Africa's refusal to review the case of the Sharpeville Six was a manifestation of its stubborn insistence in clinging to the policy of apartheid in disregard of the relevant United Nations Security Council resolution.

60. On 25 June 1988, a Chinese Foreign Ministry spokesman said that the Chinese Government and people sternly condemned the South African authorities for violating once again the territorial integrity and sovereignty of Botswana, wantonly provoking bloodshed and creating tension in southern Africa.

61. On 14 July 1988, a Chinese Foreign Ministry spokesman issued a statement on the occasion of the 70th birthday of the famous South African black leader, Mr. Nelson Mandela, reiterating that the Chinese Government and people had always deeply sympathized with and firmly supported the just cause which Nelson Mandela and the South African people had been fighting for. He strongly demanded that the South African authorities should release Mr. Mandela and other anti-apartheid prisoners immediately and unconditionally, lift the ban on anti-apartheid organizations and take effective action to thoroughly uproot the apartheid system.

62. On 15 July 1988, more than 400 persons from all walks of life in Beijing held a rally to celebrate the 70th birthday of the black leader, Mr. Nelson Mandela, and voice solidarity with the just cause of the South African people. Secretary Rui Xingwen of the Secretariat of the Central Committee of the Chinese Communist Party, President Zhang Wenjin of the Chinese People's Association for Friendship with Foreign Countries and President Gong Dafei of the Chinese-African Friendship Association participated in the rally. Meanwhile, the Chinese Institute for West Asian and African Studies and the Research Institute for West Asia and Africa of the Academy of Social Sciences of Chine held a seminar in Beijing on the thought and practice of Mandela. Participants spoke highly of the efforts and contributions made by Mandela for the freedom and liberation of the South African people.

63. On 9 August 1988, a Chinese Foreign Ministry spokesman said:

> "Angola, Cuba and South Africa declared at the same time on 8 August that the three sides had reached agreement on a cease-fire in southern Angola and the withdrawal of South African troops from Angola beginning on 10 August. The Chinese Government welcomes the progress made by all sides in the negotiations concerning a political settlement of the questions of Angola and Namibia. It is our hope that the sides concerned will exert continued efforts so that the negotiations may achieve new results. The South African authorities should implement the agreement in earnest, withdraw their troops from Angola as scheduled and put United Nations Security Council resolution 435 into actual practice in order to bring independence to Namibia and peace and stability to south-west Africa."

64. On 22 August 1988, the Chinese delegation headed by Vice Foreign Minister Qi Huaiyuan participated in the International Conference on Refugees, Returnees and Displaced Persons in southern Africa held in Oslo. In his speech at the Conference, the Vice-Minister stressed that the obstinate insistence on clinging to the apartheid system, the prolonged illegal occupation of Namibia and the disruption of the stability of neighbouring countries by the South African authorities "have resulted in a dramatic increase in the number of refugees and displaced persons in southern Africa and the continued deterioration of their situation. A solution to the problem of refugees in southern Africa requires the eradication of its sources". He reiterated China's consistent stand of supporting the just sturggle of the

southern African people and stated, "The Chinese Government will, as always, give political and moral sympathy and support to refugees in southern Africa without any reservations. We shall also actively make contributions within our capabilities in terms of material assistance".

65. On 25 August 1988, a Chinese Foreign Ministry spokesman once again strongly called for the immediate and unconditional release of black leader Nelson Mandela by the South African authorities. The spokesman said that the early release of Mandela would be conducive to the settlement of the South African issue.

66. On 26 August 1988, Premier Li Peng sent a telegram to Peter Zuze, President of the United Nations Council for Namibia, on the occasion of United Nations Day for Namibia, reiterating that the Chinese Government and people supported the Namibian people in their just struggle for national independence.

67. In September 1986, UNESCO, the Chinese Academy of Social Sciences, the Chinese State Commission for Nationality Affairs and the Chinese National Committee of Education, Science and Culture jointly held a symposium of international experts on the study of apartheid. Its main purpose was to make a study of the apartheid system responsible for social turmoil, particularly in southern Africa, to sum up and exchange research experience and to work out a research plan for the next five years with a view to exposing further the crime of racial discrimination, apartheid, racial oppression and the harm racism had done to world peace and human progress. In their speeches at the symposium, the Chinese participants exposed without reservation and sternly condemned the racist crime. The Chinese departments concerned also did their best to provide facilities for the symposium.

68. Through radio, television and the press, the Chinese Government also provides timely news coverage of the struggle against racial discrimination and apartheid by the blacks and persons of other coloured races in South Africa and condemns the South African racist régime for its reactionary policies and sinister acts, thereby conducting an anti-racial-discrimination publicity and education programme among persons of all nationalities in China.

69. The Chinese Government also pays great attention to educating the younger generation in China firmly to oppose racism and apartheid and to strengthening its sense of international duty. Teaching materials for primary school, middle school and college students in China expose the crimes of racial discrimination and apartheid perpetrated by South Africa, as do publications in the field of social sciences, such as literature, history, geography, international politics, international relations and law.

70. Over the years, China has always supported and actively joined in all international efforts aimed at prohibiting and eliminating all forms of racism, including apartheid. China has always firmly supported and implemented resolutions on the imposition of sanctions against the South African régime adopted by the United Nations and its agencies. In the General Assembly and Security Council, China has always voted in favour of resolutions which condemn and call for sanctions against the crime of apartheid in South Africa.

71. A series of legal and administrative measures adopted by the Chinese Government for the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid are in keeping with the relevant provisions of the Convention and have yielded definite results. The Chinese Government will continue to fulfil the obligations it has undertaken, attach importance to the continued formulation and implementation of the relevant laws and decrees and adopt corresponding measures to consolidate and develop further the relationship among all nationalities in China that is characterized by equality, unity and mutual assistance.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/32/Add.5
10 November 1989

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 16 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Addendum

BURUNDI */

[2 September 1989]

---

*/ The initial report submitted by the Government of Burundi (E/CN.4/1415/Add.8) was considered by the Group of Three at its 1981 session.

1. The Republic of Burundi refers continually to the Universal Declaration of Human Rights and to the international texts that have supplemented it, for the purpose of laying down a general prohibition of racial discrimination.

2. The question of apartheid, which has become a genuine concern of the United Nations, is also a genuine concern of Burundi.

3. The Republic of Burundi continues to express its strong indignation at the fact that this inhuman policy, condemned by the United Nations General Assembly as a "crime against humanity" since 1969, remains institutionalized.

4. Since apartheid is a crime against humanity, Burundi considers that all acts resulting from this policy are crimes against the peace and security of humanity. It follows that the perpetrators of or accessories to such acts resulting from apartheid are criminals.

5. Burundi has taken measures aimed at discontinuing diplomatic, trade or other relations with South Africa until the circumstances in that country change.

6. If an alleged perpetrator of the crime of apartheid were ever found to be in the territory of Burundi, the authorities of Burundi would either try or extradite that person.

7. The Republic of Burundi declares its conviction that apartheid cannot be reformed, for a criminal practice must be abolished in all its forms rather than undergoing adjustments. This will prevent the crime of apartheid and other similar discriminatory and segregationist policies or manifestations thereof from being encouraged in any way whatsoever.

8. To this end, Burundi supports the fundamental idea of the unconditional and immediate release of all the political prisoners, in particular Mr. Nelson Mandela.

9. Burundi regularly condemns South Africa for all its attempts to destabilize the Front-line States by terrorist acts and other methods.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/32/Add.6
18 December 1989

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 16 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Addendum

BAHAMAS */

[16 November 1989]

1. The Government of the Commonwealth of the Bahamas is firm in its commitment to the universal application of the principles of representative democratic government and self-determination of peoples. The Government of the Bahamas therefore condemns the policy of apartheid of the Government of South Africa which countenances the inhumane subjugation of the black majority of South Africa.

The Bahamas Government supports all national liberation efforts in South Africa whose goal it is to establish a free democratic and non-racial South Africa. The Bahamas Government similarly fully supports all international efforts aimed at eradicating the policy of apartheid specifically and all forms of racial discrimination generally. The Bahamas Government consistently supports all United Nations resolutions intended to bring pressure to bear on the South African Government to eliminate the policy of apartheid and to establish a system of non-racial democracy.

---

*/ The present document contains the initial and the second periodic reports of the Bahamas.

2. The Bahamas became party to the Convention on the Suppression of the Crime of Apartheid in 1981.

3. The Government of the Bahamas agrees that as outlined in article II of this Convention, the "Crime of Apartheid" includes the policies and practices of racial segregation and discrimination as practised in South Africa, and further includes the following inhumane acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

(a) Denial to a member or members of a racial group or groups of the right to life and liberty of persons, by murder, infliction of mental or bodily harm, by arbitrary arrest or illegal imprisonment;

(b) Deliberate imposition on a racial group of living conditions calculated to cause its or their physical destruction in whole or in part;

(c) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.

4. The Bahamas is forever mindful of the Charter of the United Nations and various international instruments adopted to combat racial discrimination including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention Against Apartheid in Sports and the cited Convention.

5. The Constitution of the Commonwealth of the Bahamas guarantees the fundamental rights and freedom of all persons, irrespective of race, colour or place of origin (see arts. 15 to 28 at annex I). */ These support the goals and objectives of the Apartheid Convention.

6. New legislation is now being drafted for consideration by the Government of the Bahamas. The legislation will be designed to compliment Bahamas constitutional guarantees which now lend support to the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid. The new legislation should incorporate within the laws of the Bahamas all those provisions set out in the Convention. It would make the crime of apartheid an offence in the Bahamas wheresoever it may have been committed and punishable upon conviction, by death where the offence resulted in the dealth of any individual or otherwise by imprisonment of not more than 14 years. Corporate bodies and organizations perpetrating any offence pertaining to the crime of apartheid or racial discrimination will also be punishable under the proposed legislation.

7. The Bahamas Government firmly believes that increased public awareness can be most effective in stunting the growth of apartheid. The Government-owned radio and television broadcast and the private print media have served to disseminate information against racism and racial discrimination and in particular, against the crime of apartheid. The Government of the Bahamas,

---

*/ Annexex I, II and III are available for consultation in the files of the Secretariat.

therefore, condemns the publishing or distribution of ideas which seek to foster racial superiority and discrimination. Under the proposed legislation, the Government will consider the publication, distribution, use of written material or public utterance which incite racial hatred or acts of violence against any race or group of persons of another colour or ethnic background as a punishable offence.

8. The Bahamas Government, from time to time issues policy statements on its stand on the practice of apartheid. The Government calls on public and private sector businesses and organizations to observe and support wholeheartedly the law of the government's policy on this heinous crime. The Bahamas Government believes that the policy of apartheid has permitted the South African Government to commit atrocities inconsistent with international norm, thereby posing a threat to international peace and security. These actions impose a burden not only on the black majority of South Africa, but also on countries struggling to eradicate this evil scourge. The Bahamas Government recognizes the obligation of States parties to this Convention to strengthen efforts which could lead to the demise of the apartheid system.

9. The Bahamas Government has instituted certain measures in compliance within its stand against apartheid, in particular against South African nationals.

10. The general policy of the Government of the Bahamas is to deny entry visas to all South Africans, except those categorized as follows:

(a) Persons holding permanent residence status in a country other than, and currently resising outside of South Africa;

(b) Humanitarian cases such as, distressed seamen, South African citizens who have close relatives in the Bahamas, South African citizens who are able to demonstrate their active participation in the anti-apartheid movement in South Africa;

(c) Persons of non-Caucasian origin, that is, members of a race institutionally victimized by the South African Government; and

(d) Persons in transit on recognized tourist cruises only which continue beyond the Bahamas.

11. The involvement of non-governmental associations and organizations in the fight against apartheid is welcomed by the Government of the Bahamas. The Bahamas Committee on South Africa (COSA) and the New Providence and Grand Bahama Human Rights Associations are especially concerned with action to combat racism and racial discrimination. COSA is extremely vocal in its condemnation of apartheid and has been instrumental in enhancing public awareness of the plight of individuals suffering under the aggression of the South African régime. COSA has organized public seminars to discuss issues facing the black majority in South Africa and to promote international solidarity with political victims of apartheid.

12. New draft legislation now before the Government of the Bahamas for consideration was designed to give effect to the provisions of the

International Convention of the Suppression and Punishment of the Crime of Apartheid. The new legislation when passed into law should incorporate within the laws of the Bahamas all those provisions defined in the Convention (see annex II). */

13. The Bahamas Government endorses all measures to expel the South African Government from the international arena. The Bahamas Government supports all United Nations and Commonwealth action with regard to the imposition of economic sanctions against South Africa as it believes that economic sanctions represent the most effective means of dismantling the unjust system of apartheid.

14. The Government of the Bahamas remains among the most persistent voices in the international community in the struggle against apartheid. In 1985, at Nassau, Commonwealth Heads of Government agreed on a "Commonwealth Accord on South Africa" (see annex III). */ The Bahamas' Prime Minister served as co-chairman of the 1986 Commonwealth Mini-Summit in London, where the majority agreed to adopt economic sanctions against South Africa. Under the chairmanship of the Bahamas' Prime Minister, the Commonwealth Eminent Persons Group was given the mandate of promoting dialogue for social change and non-racial democracy in South Africa.

15. The Government of the Bahamas regularly contributes to United Nations and other international funds which serve to finance action against the institutions of apartheid and to support the victims of apartheid. Contributions have been made to the following:

- United Nations Educational and Training Programme on Southern Africa;
- United Nations Trust Fund for Publicity Against Apartheid;
- United Nations Committee for the Elimination of Racial Discrimination;
- The Commonwealth Programme for South Africans: Nassau Fellowships.

16. At the 1987 Commonwealth Heads of Government Meeting, the Bahamas pledged $US 10,000 to the Commonwealth Fund for Mozambique. The Bahamas Government is therefore committed not only to the dismantling of the apartheid régime in South Africa, but also to assisting frontline States in their efforts to combat the forces of the South African Government.

17. The struggle against apartheid in South Africa is not confined to government action but extends to action by political parties, human rights associations and both the public and privately-owned media. The Government-owned radio and television broadcast continue to serve as important disseminators of information against racial prejudice generally and against apartheid in particular. The privately-owned print media are also important sources of information on the anti-apartheid campaign and promoters of the activity of the Committee on South Africa (COSA) and the New Providence and Grand Bahama Human Rights Associations who continue to highlight action against apartheid and against racial discrimination in all its forms.